WEB COPY

Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2026

CORAM
THE HONOURABLE MR. JUSTICE N. RAMESH

Crl.O.P.No.28725 of 2026

U. Amal (24 years),
S/o. Udaya Kumar ... Petitioner / Accused No. 7

Vs.

State rep. by
The Inspector of Police,
C2 Race Course Police Station,
(Crime No. 110 of 2025) ... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending in C.C. No. 127 of 2025 on the file of the Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner : Mr. R. Vivekananthan

For Respondent : Mr.M.M.I.Khaleel,
Government Advocate (Criminal Side).

ORDER

This is a petition for regular bail in a case under the NDPS Act, under Section 483 of the BNSS. The petitioner is the seventh accused in Crime No. 110 of 2025 on the file of the Inspector of Police, C2 Race Course Police Station, Coimbatore City, registered for offences under Sections 8(c) read with 22(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ("the Act"), and now pending as **C.C. No. 127 of 2025** on the file of the learned Additional District Judge / Presiding Officer, Special Court for

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

Essential Commodities Act Cases, Coimbatore ("the Special Court"). The gravest of the offences carries rigorous imprisonment for not less than ten years and up to twenty years.

2. The case of the prosecution, briefly stated, is this. Between 27.02.2025 and 02.03.2025 the respondent police arrested the first three accused, on information and then on the disclosure of the first accused, with seven, six and four grams of methamphetamine. Early on 03.03.2025, near the Coimbatore railway station, fifty-three grams of methamphetamine were seized from the fourth accused, who was found with the fifth and sixth accused. On the disclosure of the fourth accused the police went to Codissia Road, where at about 10.15 hours the petitioner, who was with the eighth and ninth accused, is said to have handed over twenty LSD stamps and a mobile phone. Only mobile phones were seized from the fifth, sixth, eighth and ninth accused, and the final report was laid on 26.05.2025.

3. He was arrested on 03.03.2025 and remanded to judicial custody the same day, and has been in custody for more than one year and eight months. The case status of C.C. No. 127 of 2025 in the typed set shows the case posted for framing of charges at every hearing from 12.11.2025 to 25.09.2026, and then posted to 09.10.2026 for service of a non-bailable warrant. The counter affidavit, sworn on 11.11.2026, says that the trial is in progress and that the case

https://www.mhc.tn.gov.in/judis

WEB COPY

stands posted to 24.11.2026. It does not say that charges have been framed or that any witness has been examined. Every other accused is on bail.

4. By a common order dated 05.08.2025 in Crl.O.P. Nos. 17005, 17405, 17593 and 19100 of 2025, a coordinate Bench released the first three accused on bail, recording that only an intermediate quantity had been seized from each of them, and dismissed the petition of the fourth accused on the seizures recorded in the remand order. The Supreme Court allowed his appeal on 10.08.2026 in **Aswin v. State of Tamil Nadu**, Criminal Appeal arising out of SLP (Crl.) No. 12554 of 2026, noting that he had been in custody since 03.03.2025, that the final report was filed on 26.05.2025, and that charges had not been framed more than a year later. By a common order dated 08.12.2025 in Crl.O.P. Nos. 19646, 22650, 29936 and 23513 of 2025, a coordinate Bench released the fifth, sixth, eighth and ninth accused. It found nothing against them beyond their presence with the fourth accused or with the petitioner and the confession statements, and noted that the cellphone data relied on by the prosecution had not been produced.

5. Learned counsel for the petitioner made these submissions.

[a] The petitioner has nothing to do with the crime and has been falsely implicated.

[b] He has been in prison for a long period.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

[c] Every other accused has been released on bail, the fourth accused by the Supreme Court.

[d] The Special Court dismissed his application without considering the facts.

[e] He will abide by any condition imposed and is ready to offer sureties.

By an additional typed set dated 29.10.2026 he has also placed on record the seizure mahazars of 03.03.2025 relating to the fourth accused and to himself.

6. The respondent has filed a counter affidavit and the petition is opposed on its lines. The respondent says that twenty LSD stamps are a commercial quantity, and that seventy grams of methamphetamine and the twenty stamps were seized in a single conspiracy, so that Section 37 of the Act applies. It says that no parity arises with the accused from whom only mobile phones were seized, that a detention order was passed against the petitioner under the Tamil Nadu Act 14 of 1982 on 03.04.2025, and that, being a resident of Kerala, he is likely to abscond and to tamper with witnesses.

7. I have considered the rival submissions and perused the material placed before me.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

8. Lysergide (LSD) is entered at Serial No. 133 of the Table to Notification S.O. 1055(E) dated 19.10.2001, with a small quantity of 0.002 grams and a commercial quantity of 0.1 grams. The counter affidavit, in paragraph 4 and again in the table under paragraph 7, gives the net weight of the twenty stamps seized from the petitioner as 0.056 grams. That is an intermediate quantity. The statement in paragraph 8 that twenty LSD stamps are a commercial quantity has no basis in the notification, which fixes the threshold by weight and not by the number of stamps. The counter affidavit does not say how the weight was taken or what each stamp weighed, and the report of the Forensic Sciences Department is not before me. I proceed on the respondent's own figure. The Special Court treated the recovery from the petitioner as a commercial quantity on the written objection of the Special Public Prosecutor, and its order does not refer to the weight at all.

9. Section 37 of the Act is therefore engaged against the petitioner only if the methamphetamine seized from the others can be put to his account. None was seized from him. The seventy grams on which the respondent relies is the total of four separate seizures from four persons, made on three days at four places. The recovery from the petitioner was of a different substance, made at a different place some hours after the seizure from the fourth accused. The quantity seized from one accused can be put to the account of another only where there is material of abetment, conspiracy or joint possession. Where two

https://www.mhc.tn.gov.in/judis

WEB COPY

persons found together were each carrying what was recovered from him, and there was no evidence of abetment or conspiracy, Section 29 was held not attracted in **AmarsinghRamjibhai Barot v. State of Gujarat**, (2005) 7 SCC 550. In **Nadeem Ahamed v. State of West Bengal**, 2025 INSC 993, the Supreme Court held, at paragraph 22: *"These facts may give rise to a suspicion, but suspicion, however, cannot take place of proof."*

10. A confession made to a police officer cannot be proved against an accused (Section 23(1) of the Bharatiya Sakshya Adhiniyam, 2023), and a statement recorded by an officer under the Act stands on the same footing, as held in **Tofan Singh v. State of Tamil Nadu**, (2021) 4 SCC 1. Leaving those statements aside, the counter affidavit says that the petitioner was traced on the confession of the fourth accused (paragraph 4), and that a *"thorough investigation revealed that all accused (A1 to A9) acted in conspiracy"* (paragraph 6). It names no call record, payment, common vehicle or common stock connecting the petitioner with the methamphetamine. The coordinate Bench declined to put the methamphetamine to the account of the first three accused, and found no material beyond presence and confessions against the four accused arrested with the fourth accused and with the petitioner. Nothing has been placed before me that was not before that Bench. This Court applied the same principles where the link between separate recoveries rested on joint interception and on confession statements, in **Crl.O.P. No. 23777 of 2026,**

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

dated 05.10.2026, and in **Crl.O.P. No. 27268 of 2026, dated 12.11.2026**.

11. I do not decide whether the recoveries can be read together. That question belongs to the Special Court, at the framing of charges and at the trial. On the present record it is not shown that the petitioner is answerable for a commercial quantity, and the petition falls to be decided under Section 483 of the BNSS. The Supreme Court released the fourth accused, from whom the fifty-three grams were seized, on the custody he had undergone and the stage of the case, and the petitioner has been in custody for the same period, at the same stage, for a quantity of his own that is intermediate.

12. On ordinary principles, the investigation is complete and the final report is on file. The petitioner has been in custody for more than one year and eight months, and charges are yet to be framed. The counter affidavit attributes no previous case to him. It does not say on what material the detention order of 03.04.2025 was passed, or whether that order was confirmed or revoked, and it does not rely on it as showing any other case.

13. **In the result, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail.**

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

14. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum to the satisfaction of **the Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore,** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure his identity;

[b] the petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders;

[c] Within one week of his release, the petitioner shall file before the Special Court an affidavit stating his residential address, and shall not change that address without prior intimation to that Court.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

P.K.Shaji vs. State of Kerala [(2005)13 SCC 283];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

15. The observations in this order are prima facie, are confined to the disposal of this petition, and shall not influence the trial court at any stage of the trial. They are not an expression of opinion on the weight of the contraband or on whether the recoveries are to be read together, and the trial court shall decide every question on the evidence let in before it.

23.11.2026

kmm

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

https://www.mhc.tn.gov.in/judis

WEB COPY

2. The Superintendent,
Central Prison, Coimbatore.

3. The Inspector of Police,
C2 Race Course Police Station.

4.The Public Prosecutor, High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

Order QR

N.RAMESH, J.

kmm

Crl.O.P.No.28725 of 2026

23.11.2026

https://www.mhc.tn.gov.in/judis